

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PETER JAMES LENZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 20-CV-9429 (KMK)

ORDER ADOPTING  
REPORT & RECOMMENDATION

KENNETH M. KARAS, United States District Judge:

Peter James Lenz (“Plaintiff”) brings this Action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security (the “Commissioner” or “Defendant”), which denied her application for disability insurance benefits and/or supplemental security income benefits. (Dkt. No. 1.) Plaintiff moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. (Dkt. No. 20.) The Commissioner subsequently filed a cross motion for judgment on the pleadings. (Dkt. No. 24.)

The case was referred to the Honorable Gary R. Jones (“Judge Jones”). On July 19, 2022, Judge Jones issued a Report and Recommendation (“R&R”) recommending that the Plaintiff’s Motion be granted, and the Commissioner’s Motion be denied. (Dkt. No. 27.) The Parties did not file any objections to the R&R.<sup>1</sup>

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Bickram v. Comm’r of Soc. Sec.*, No. 18-CV-1160, 2021 WL 2665876, at \*1 (S.D.N.Y. June 29, 2021); *Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010).

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<sup>1</sup> Judge Jones provided notice that, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to the R&R were due within fourteen days after being served with a copy. (R&R 27–28.)

The Court has reviewed the R&R and finding no substantive error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby:

ORDERED that the Report and Recommendation, dated July 19, 2022, is ADOPTED in its entirety.

ORDERED that the Plaintiff's Motion for Judgment on the Pleadings is granted.

ORDERED that the Defendant's Cross Motion for Judgment on the Pleadings is denied.

ORDERED that judgment be entered in favor of Plaintiff, and that this matter be remanded to the Commissioner for further administrative proceedings.

The Clerk of Court is respectfully requested to terminate the pending Motions, (Dkt. Nos. 20, 24), mail a copy of this Order to Plaintiff at the address on the docket, and close this case.

SO ORDERED.

DATED: August 31, 2022  
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line extending from the bottom of the letters.

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KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE